



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 8021-99
18 April 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 5420 Ser N130D/OU0240 of 10 April 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO
5420
Ser N130D/OU0240
10 Apr 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (Pers-00ZCB)

Subj: COMMENT AND RECOMMENDATION IN THE CASE [REDACTED]

Ref: (a) OPNAVINST 1160.6A
(b) Title 37 U.S.C. § 308

Encl: (1) BCNR File #08021-99 with microfiche service record

1. The following provides comment and recommendation on Petty [REDACTED]'s petition. Petty Officer [REDACTED] requests his SRB reenlistment be changed from NEC 3383 to NEC 0000. N130 recommends deny Petty Officer [REDACTED]'s petition.

2. On 29 November 1996, [REDACTED] reenlisted for NEC 3383 and was paid SRB. However, [REDACTED] lost his qualification in the bonus skill and had the NEC removed. Per a request from [REDACTED] supervisor (a Captain Willard) on USS ABRAHAM LINCOLN (CVN-72), dated 22 July 1997, his NEC was removed with an effective date 8 May 1997. According to Navy records, [REDACTED] failed to maintain skill qualification based on consistently poor academic performance. [REDACTED] demonstrated he could not reach a reasonable standard of knowledge and failed to pass qualification boards or oral interviews. In accordance with reference (a), paragraph 5.k., recoupment of the unearned portions of SRB is required when the member loses qualification in the bonus skill (i.e., removal of NEC or rating designator), except when the loss of qualification results solely from pregnancy. This is specifically detailed in reference (b).

3. SRB can only be offered and authorized at time of reenlistment. There are no provisions for converting, transferring, re-negotiating or re-calculating SRB eligibility after a reenlistment. Neither are there policy provisions to waive the recoupment requirement as detailed above. The fact

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF [REDACTED]

[REDACTED] 623-00-00-0000
[REDACTED] excelling as an ET aboard USS VALLEY
[REDACTED] (CG-50), while commendable, is not justification for
establishing SRB eligibility.

4. BCNR case file with microfiche service record is returned
herewith as enclosure (1).



SEAN G. NEILAN
Head, Enlisted Bonus
Programs Policy Section